

REMARKS

In the non-final Office Action mailed on November 15, 2007, claims 1-6, 9-14, 16, 46-58, 60-64, 67-72 and 74 are pending. Claims 13, 14, 51, 52 and 72 have been objected to but indicated allowable. Claims 1-6, 9-12, 16, 46-50, 53-64, 67-71 and 74 stand rejected. Claims 1, 13, 14, 16, 46, 50, 51, 52, 58, 67, 71, 72 and 74 have been amended. Reconsideration of the present application as amended is respectfully requested.

The drawings were objected to for failing to show the "additional clamping assembly" recited in claims 16, 58 and 74. Claims 16, 58-64 and 74 were also rejected under 35 USC §112, second paragraph for failing to comply with the written description requirement over this same recitation of the "additional clamping assembly." Claims 16, 58 and 64 were intended to refer to the mounting assembly instead of the clamp assembly. Claims 16, 58 and 64 have been amended above to reflect this intent. Accordingly, it is believed that the objection to the drawings and rejections under 35 USC §112, second paragraph are moot. Withdrawal of the same is respectfully requested.

Claims 1-6, 9-12, 46-50, 53-57 and 67-71 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0234449 to Aferzon in view of U.S. Patent No. 5,067,954 to Illizarov. Claim 1 has been amended and recites, among other features, "wherein said guide member is coupled to said coupling member at a hinge, and said hinge is offset proximally from said proximal ends of said pair of anchor extensions so that coupling member is rotatable 360 degrees around said mounting member when said mounting member is mounted between said pair of anchor extensions." Support for the amendment may be found at least in Figures 2-7 and page 9, line 15 to page 11, line 4 of the specification. Neither reference discloses or teaches a guide member coupled to a coupling member with a hinge that is offset proximally from proximal ends of the extensions. Nor do either of the references teach or suggest a coupling member that is rotatable 360 degrees around a mounting member where the coupling member is also coupled to the guide member. Accordingly, claim 1 distinguishes the cited references and withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2-6 and 9-12 depend directly or indirectly from claim 1 and are allowable at least for the reasons claim 1 is allowable. Withdrawal of the rejection of these claims is respectfully requested.

Amended claims 46 and 67 each recite, among other features, "said guide member is coupled to said coupling member at a location offset proximally of said proximal ends of said anchor extensions to permit said guide member to rotate 360 degrees around said mounting member when said mounting member is mounted between said pair of anchor extensions." Support for the amendment may be found, for example, in Figures 2-7 and page 9, line 15 to page 11, lines 4. Neither reference discloses or teaches a guide member coupled to a coupling member at a location that is offset proximally of the proximal ends of the extensions. Nor do either of the references teach or suggest a guide member that is rotatable 360 degrees around a mounting member where the guide member is also coupled to a coupling member that is mounted to the mounting member. Since neither of the cited references discloses these features, withdrawal of the rejection of claims 46 and 67 is respectfully requested.

Claims 47-50 and 53-56 depend directly or indirectly from claim 46 and are allowable at least for the reasons claim 46 is allowable. Claim 51 is amended to improve form. Claims 68-71 depend directly or indirectly from claim 67 and are allowable at least for the reasons claim 67 is allowable. Claim 71 has been amended to improve form. Withdrawal of the rejection of these claims is respectfully requested.

Claims 13, 51 and 72 have been rewritten in independent form and are allowable as indicated in the Office Action. Claims 14 and 52 depend from claims 13 and 51, respectively, and are also allowable. Claims 14 and 52 have been amended to change "projecting" to "projection" to correct errors typographical and/or clerical in nature.

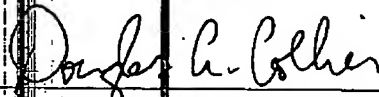
Claims 16, 58, 60-64 and 74 are also allowable since each has been amended to address the 112, second paragraph rejections and no other rejection of these claims has been made. An indication of the allowability of these claims is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance with pending claims 1-6, 9-14, 16, 46-58, 60-64, 67-72 and 74. Reconsideration of the present application as amended is respectfully requested. Timely action towards a Notice of Allowance is hereby solicited. The Examiner is encouraged

Response to non-Final Office Action
Serial No. 10/674,036
Attorney Docket No. MSDI-137/PC977.00
Page 14 of 15

to contact the undersigned by telephone to resolve any outstanding matters concerning the present application.

Respectfully submitted,



Douglas A. Collier, Reg. No. 43,556
Krieg DeVault LLP
One Indiana Square, Suite 2800
Indianapolis, IN 46204
(317) 238-6333

DAC:KD_JM-1255783_1

Response to non-Final Office Action
Serial No. 10/674,036
Attorney Docket No. MSDI-137/PC977.00
Page 15 of 15